

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59693 of 2022

Arising Out of PS. Case No.-160 Year-2022 Thana- GORAUL District- Vaishali

Kamal Rai @ Kamlesh Kumar Kamal S/O Ram Briksh Rai, R/O Village-
Chakoliya, P.S- Goraul (Katahra O.P), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60152 of 2022

Arising Out of PS. Case No.-160 Year-2022 Thana- GORAUL District- Vaishali

1. Ajay Kumar @ Ajay Gupta Son of Pawan Sah R/V- Akhtiyarpur Sehhan @
Sehan, P.S- Goraul (Katahra O.P) Dist- Vaishali
2. Vijay Kumar @ Vijay Gupta Son of Pawan Sah R/V- Akhtiyarpur Sehhan @
Sehan, P.S- Goraul (Katahra O.P) Dist- Vaishali
3. Mukul Kumar @ Mukul Gupta @ Shanku Gupta Son of Shambhu Sah R/V-
Akhtiyarpur Sehhan @ Sehan, P.S- Goraul (Katahra O.P) Dist- Vaishali
4. Shivam Kumar @ shivam Gupta Son of Binay Sah @ Vinay Sah R/V-
Akhtiyarpur Sehhan @ Sehan, P.S- Goraul (Katahra O.P) Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59693 of 2022)

For the Petitioner/s : Mr. Pranav Kumar, Advocate
Mr. Rajeev Ranjan No.II, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 60152 of 2022)

For the Petitioner/s : Mr. Pranav Kumar, Advocate
Mr. Rajeev Ranjan No.II, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.



Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 307, 332, 333, 353, 188, 337, 338, 427, 504, 506 of the Indian Penal Code.

According to prosecution case, in brief, is that on 11.04.2022 the informant along with other police men proceeded for night patrolling and they reached at Sehan fair and found that orchestra was operating therein which obscene songs were being played on D.J. and 8-10 girls were dancing on the stage and people were invited to see the orchestra and orchestra was organized without permission of administration. After getting information S.H.O. along with other police men reached there and seeing the police party people started to flee away and after 15-20 minutes orchestra was closed. Meanwhile 100-200 persons armed with lathi, danda, bricks, stones and bhala gathered and surrounded the policemen, started quarreling and also damaged the police vehicle. Among them 14 persons along with the petitioners as named in the F.I.R. were identified by the Chaukidar.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of confessional statement of local Chaukidar. He further submits that in fact the local Chaukidar was not present at the time of occurrence and on the basis of suspicion petitioners have falsely been implicated in the present case and there is no specific allegation of any assault or overt act against the petitioners. He further submits that there is general and omnibus allegation against all the accused persons including these petitioners and petitioners are only a member of mob.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Goraul (Katahra O.P.) P.S. Case No. 160 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-



1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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